U.S. Appl. Serial No. 10/773,532
Amendment With RCE

Docket No.: 085804.010601

REMARKS

Claims 1-42 are in the application. Claims 26-42 have been withdrawn without prejudice. Claims 1, 13, 26, 36 and 38 are independent. Claims 1 and 13 have been amended. No new matter has been added. Reconsideration and further examination are respectfully requested.

By way of a non-limiting example and in accordance with one or more embodiments, an ingest queue server, e.g., ingest queue server 926 of Figure 10 of the present application, is located at a central site and directs movement of a file ingested by an ingest server, e.g., ingest server 908, based on identifying information associated with a client, e.g., client 102, that uploads the content to ingest server 908. A file management server, e.g., file management server 907, reads the client's uploaded content from ingest server 908, and moves it to a storage server, e.g., storage server 906, as directed by ingest queue server 926. The storage server 907 can be located at a specific site, e.g., a site identified for client 102, such as a primary site of the client that is in geographic proximity to end users of client 102, as identified by the client identifying information. By way of a further non-limiting example, one or more streaming media servers, e.g., media servers 920, can read the content from the storage server 907 at the primary site identified for client 102, and serve the content to users.

Claims 1, 2, 6, 8, 11-14, 18, 20, 23 and 24 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Publication No. 2001/0034786 (Baumeister) and U.S. Patent No. 6,970,939 (Sim); Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Patent No. 6,006,264 (Colby); Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Publication No. 2002/0019823 (Layeghi); Claims 10 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and U.S. Publication No. 2002/0120577 (Hans). Reconsideration and withdrawal of the rejections are respectfully requested for at least the following reasons.

Claim 1 recites a system comprising one or more remote sites, each remote site having client content providers, the remote site comprising one or more first servers storing digital content from a client. An ingest server ingesting the digital content from the client. An ingest queue server from a central site geographically remote from the remote site directing transfer of

the ingested digital content from the ingest server to the one or more first servers. The remote site further comprising at least one media server providing digital content to the user in response to a digital content user request. The system's central site comprising one or more of the ingest queue servers that direct transfer of the client content providers' digital content from the ingest server to the one or more first servers based on client identifying information.

Baumeister's system for streaming media data in heterogeneous environments differs from the claimed subject matter of claim 1. Baumeister teaches a Stream Server Portal that is a portal for a number of streaming servers. When an application implemented on a media player transmits a streaming media request, which comprises a location of the media data to be streamed, to the Stream Server Portal, the Stream Server Portal chooses a stream server. The Stream Server Portal then passes address information to a stream server controller of a stream server. The stream server's controller determines whether or not valid media data is cached at the stream server, and the stream server's controller initiates a file transfer of the media data from the data server to the stream server via FTP (File Transfer protocol) if the stream server's cache does not have valid media data. The stream server then streams the media to the media player. Baumeister's FTP server, which has media content that is transferred to Baumeister's stream server for serving, is not the same as the claimed ingest server, which has content that is transferred to the one or more first servers, where it is available to a media server that provides the content to the user. Furthermore, Baumeister's stream server portal does not correspond to the claimed ingest queue server. According to Baumeister, it is the stream server's own controller that determines whether or not the transfer should be made, i.e., the stream server's stream controller determines whether or not the stream server has the media data in cache, and if media data cached by the stream server is valid; transfer of the media data from the FTP server to the stream server is only initiated by the stream server's controller if the stream server's controller determines that the stream server does not have valid media data in its cache (see paragraphs 40 and 46 and Figures 3 and 4a). In contrast, the claimed ingest queue server, which resides at a central site as opposed to the ingest server's remote site, directs transfer of digital content ingested by an ingest server to the one or more file servers at the remote site.

Baumeister fails to disclose the claimed remote site comprising one or more first servers storing digital content from a client, an ingest server ingesting the digital content from the client,

and at least one media server providing digital content to the user in response to a digital content user request, and further fails to disclose the claimed central site geographically remote from the remote sites, the central site comprising one or more ingest queue servers directing the transfer of digital content from the ingest server to one or more of the first servers based on client identifying information, as recited in Claim 1.

Sim fails to remedy the deficiencies noted with respect to Baumeister, and further fails to teach, suggest or disclose a system that comprises a central site geographically remote from the remote sites that comprises one or more ingest queue servers, which direct transfer of digital content from an ingest server that ingests a client's digital content to one or more first servers that store the client's digital content based on client identifying information. Sim describes a content management server that receives content uploaded from a client, breaks the received content down into tracks and then issues a command that is distributed to distribution servers in the network so that each distribution server that receives the command can determine whether or not it should have the content. In contrast, Claim 1 recites an ingest queue server at a central site that directs transfer of digital content ingested of a remote site to one or more servers of the remote site based on client identifying information. This is much different from Sim's approach, in which a content management server receives the digital content and issues a command to distribution servers to transfer the content to the distribution servers that decide to store the content.

Baumeister and Sim each fail to teach, suggest or disclose the system of Claim 1, which comprises one or more remote sites, each having client content providers, and a central site, which is geographically remote from the remote site; the remote site comprising one or more first servers, an ingest server and at least one media server; the remote site's ingest server ingests digital content from a client content provider, the central site's ingest queue server directs transfer of the ingested digital content from the ingest server to the one or more files servers, which stores the digital content from the client, and the at least one media server that provides the digital content to a user in response to a digital content user request.

Thus, because Baumeister does not teach or suggest the above elements, it is respectfully submitted that Claim 1 is patentable over Baumeister. It is further submitted that because Sim also fails to teach or suggest the above elements, Claim 1 is patentable over Sim. Furthermore, it

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is respectfully submitted that Baumeister, alone or in combination with Sim or any reference of record, could not render Claim 1 obvious, as no such combination would yield all of the elements in the presently recited claims. Therefore, Baumeister cannot form the basis of a proper § 102 or § 103 rejection alone, and a combination with other references would not disclose all present claim elements, and thus not form the basis of a proper § 103 rejection. Therefore, Applicant respectfully requests withdrawal of this rejection.

For at least the reasons discussed, it is submitted that the grounds for rejection under § 103(a) are legally and factually deficient. Reconsideration and withdrawal of the § 103(a) rejection are therefore respectfully requested. For at least the foregoing reasons, Claim 1 and the claims that depend from claim 1 are believed to be in condition for allowance. In addition, for at least the same reasons stated above with respect to claim 1, independent Claim 13 is also believed to be in condition for allowance, and accordingly, the claims that depend from Claim 13 are also believed to be in condition for allowance.

Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view Sim and Colby. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 3, 4, 7, 9, 15, 16, 19, 21 and 25 depend, respectively, are applicable to this claim as well, and that Colby does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Colby would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Colby is insufficiently presented.

Claims 5 and 17 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and Layeghi. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 5 and 17 depend, respectively, are applicable to this claim as well, and that Layeghi does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Layeghi would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination

of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Layeghi is insufficiently presented.

Claims 10 and 22 were rejected under 35 U.S.C. §103(a) as being unpatentable over Baumeister in view of Sim and Hans. It is respectfully submitted that the features described above with respect to Claims 1 and 13 from which Claims 10 and 22 depend, respectively, are applicable to this claim as well, and that Hans does not remedy these deficiencies. Therefore, Applicant submits that a combination of Baumeister, Sim and Hans would not yield all of the elements in the presently cited claims, and therefore the combination cannot form the basis of a proper obviousness rejection. Moreover, it is respectfully submitted that even if the combination of references yielded all of the claim elements, which it does not, the alleged reasoning for the combination of Baumeister and Hans is insufficiently presented.
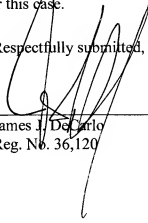
Having responded to all objections and rejections set forth in the outstanding Office Action, it is submitted that the currently pending claims are in condition for allowance and Notice to that effect is respectfully solicited. Additional characteristics or arguments may exist that distinguish the claims over the prior art cited by the Examiner, and Applicant respectfully preserves their right to present these in the future, should they be necessary. In the event that the Examiner is of the opinion that a brief telephone or personal interview will facilitate allowance of one or more of the above claims, he is respectfully requested to contact Applicant's undersigned representative.

The Applicant's attorney may be reached by telephone at 212-801-6729. All correspondence should continue to be directed to the address given below, which is the address associated with Customer Number 76058.

The Commissioner is hereby authorized to charge any required fee in connection with the submission of this paper, any additional fees which may be required, now or in the future, or credit

any overpayment to Account No. 50-1561. Please ensure that the Attorney Docket Number is

referenced when charging any payments or credits for this case.

Respectfully submitted,

Date: June 4, 2009

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